

Exhibit P

1 SUPREME COURT OF THE STATE OF NEW YORK

2 COUNTY OF KINGS - CRIMINAL TERM - PART: 25

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3 THE PEOPLE OF THE STATE OF NEW YORK, IND: 3569/18

4 -against-

5 JACOB DASKAL,

6 DEFENDANT.

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7 320 Jay Street
8 Brooklyn, New York
9 April 23, 2021

10 B E F O R E:

11 HONORABLE JILL KONVISER,

12 Justice.

13 A P P E A R A N C E S:

14 OFFICE OF ERIC GONZALEZ, ESQ.
15 DISTRICT ATTORNEY, KINGS COUNTY
Attorney for the People
16 BY: KEVIN O'DONNELL, ESQ.
Assistant District Attorney

17 MEISTER SEELIG & FEIN, LLP
18 125 Park Avenue, 7th floor
New York, New York 10017
19 BY: EVAN LIPTON, ESQ.
Attorney for the Defendant

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21 -----X
22 DIANNE ADKINS-FORTE, RPR
23 Official Court Reporter
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1 THE CLERK: Calling number 14 on the
2 Part 25 calendar, Indictment Number 3569 of
3 2018, Jacob Daskal. Appearances, please.

4 MR. O'DONNELL: Kevin O'Donnell for the
5 People. Good morning.

6 MR. LIPTON: Good morning, for
7 Mr. Daskal, Evan Lipton. Mr. Daskal is present
8 virtually in court with me.

9 THE COURT: Mr. Daskal, you can see us
10 and hear us, correct?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: We had adjourned this case
13 to see where the prosecution was from a federal
14 perspective, local perspective. Where are we,
15 Mr. O'Donnell?

16 MR. O'DONNELL: There is one issue that
17 needs to be resolved, and I believe it is going
18 to be resolved with the consent of the Defense,
19 and if so, then we will be moving to dismiss,
20 because there is an open prosecution for the
21 same offenses in federal court. The reason we
22 would be moving to dismiss would be in the
23 interest of justice based on double jeopardy
24 grounds.

25 THE COURT: Understood, but you are not

DAF

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1 prepared to do that today.

2 MR. O'DONNELL: We are. The issue that
3 needs to be resolved is the People are moving
4 pursuant to C.P.L. 160.50 to preclude the
5 sealing of this case in the interest of justice
6 so that the records of the grand jury minutes,
7 the police department records, things of that
8 nature won't be sealed for the federal
9 prosecution. I had sent an e-mail to
10 Mr. Lipton. This issue had escaped me until
11 earlier this week. I had brought it up to him
12 and indicated that if we can resolve this issue,
13 then we would be moving to dismiss today.

14 THE COURT: Mr. Lipton.

15 MR. LIPTON: That's right, and there is
16 one aspect of it that I wanted to clarify. At
17 the end of the federal case, we can move to seal
18 the records of this matter.

19 THE COURT: You can move at the end to
20 do so.

21 MR. LIPTON: Yes. I can consent to the
22 People's application.

23 THE COURT: Okay, in that case, sealing
24 is precluded on consent pursuant to the Criminal
25 Procedure Law. What is your application, Mr.

DAF

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1 O'Donnell?

2 MR. O'DONNELL: Your Honor, in the
3 interest of justice, the People are moving to
4 dismiss the indictment.

5 THE COURT: This case will be handled
6 by the federal government. Your application to
7 dismiss is granted. Sealing is precluded. Good
8 luck to you, Mr. Daskal.

9 MR. LIPTON: Thank you. Thank you,
10 Judge. There is bail in this case. Is that
11 automatically exonerated?

12 THE COURT: No. It's not automatically
13 exonerated. Would you like me to exonerate it?

14 MR. LIPTON: Yes, Your Honor.

15 THE COURT: It's exonerated.

16 MR. LIPTON: Thank you, Judge. Are we
17 excused?

18 THE COURT: You are.

19 MR. LIPTON: Good day.

20 IT IS HEREBY CERTIFIED THAT THE FOREGOING IS A TRUE
21 AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS.

22 *Dianne Adkins-Forte*

23 ----- RPR
24 DIANNE ADKINS-FORTE, RPR
25 Official Court Reporter